

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 18 – HB 24

February 27, 2017

SUMMARY OF ORIGINAL BILL: Authorizes persons owning or leasing land adjacent to land owned by a local government to enter the locally-owned property for maintenance or cleaning without committing criminal trespass.

FISCAL IMPACT OF ORIGINAL BILL:

Decrease Local Expenditures – Exceeds \$800

SUMMARY OF AMENDMENT (003126): Deletes and rewrites the bill such that the only substantive changes specify the locally-owned property is unimproved and vacant, containing no structures of any kind whatsoever, and that the land owner is only authorized to remove tall grasses.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The legislation is only applicable to property owned by local governments which is unimproved and vacant.
- Local governments are removed from liability for any injuries or damage which may occur on the property during such maintenance or cleaning by citizens.
- Any decrease in the number of Class C misdemeanors for criminal trespass will be not significant; therefore, any fiscal impact on local government related to enforcement of criminal trespass and collection of fines will be not significant.
- Based on responses to the 2013 Local Government Survey conducted by the Fiscal Review Committee, local governments spend an average of \$263 annually per vacant lot for maintenance and upkeep.
- It is unknown how many person will elect to maintain unimproved and vacant locally-owned property or the extent to which such persons will maintain the property; however, given the ability for a person to conduct maintenance without committing criminal

trespass, it is reasonable to assume that some private citizens will elect to do some level of maintenance directly as a result of this bill as amended.

- The respective local government entity will be alleviated of conducting such maintenance on the property. As a result, it is reasonably estimated that at least three unimproved and vacant locally-owned properties statewide (one in each grand division) will be maintained by a private party sufficient to reduce recurring local expenditures by an amount estimated to exceed \$789 (3 properties x \$263 per property).

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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